



## **United States Mission to the OSCE**

### **Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine**

As delivered by Ambassador Daniel B. Baer  
to the Permanent Council, Vienna  
November 19, 2015

The United States is deeply concerned that ceasefire violations are again mounting in eastern Ukraine. At a press conference just a little while ago, the Deputy Chief Monitor of the OSCE SMM noted that yesterday, in a space of 19 minutes, SMM monitors heard 107 explosions. Attacks by combined Russian-separatist forces all along the line of contact have increased. The Ukrainian Ministry Of Defense reports that nine Ukrainian soldiers died over a 72-hour period this past week, during which combined Russian-separatist forces sent an estimated 800 fighters to Horlivka and deployed a tank platoon and 10 armored personnel carriers just east of the city. The MOD also reported that Russia sent a convoy of 40 trucks carrying artillery shells to positions near Debaltseve. We must remain mindful of the situation on the ground, where the escalation in fighting threatens the ceasefire and the concentration of combined Russian-separatist forces will make progress in the Trilateral Contact Group and its working groups difficult.

Russia and the separatists it backs must immediately stop further attacks, end their provocations and abide by the ceasefire. We call on the Russian Federation to reinforce its commitment to the ceasefire by moving all heavy weapons back into storage sites, removing personnel from the line of contact, and observing Minsk withdrawal lines.

Mr. Chair, the fact that many ceasefire violations occur at night, when the SMM is not able to patrol, means that we cannot rely solely on SMM reporting to understand the situation in the conflict zone. Furthermore, interference in SMM operations by combined Russian-separatist forces undermines the Mission and its ability to present a more complete picture of the conflict zone. Russia and the separatists it backs must grant full access to the SMM, including to the international border, and stop jamming OSCE UAVs as Russia committed to do in the Normandy Format meeting in October. Transparency is necessary to build the confidence that will facilitate the full withdrawal of forces. In this regard, we cannot help but draw attention to the fact that while the Russian Federation calls for further expansion of the SMM and appeals for 24/7 monitoring of hotspots, combined Russian-separatist forces withhold the security guarantees necessary to allow the SMM to establish the forward operating bases and fixed positions needed to do so.

Despite the limitations placed on the SMM by combined Russian-separatist forces, SMM reporting clearly shows the dangerous situation in the conflict zone, including increased incidents involving mines and unexploded ordinance. In one tragic incident, a father and son

lost their lives when their car drove over an anti-tank mine near Marinka. If fighting is not brought to a halt, the amount of explosive remnants of war will only grow, as will the cost in human suffering. It is encouraging that the SMM has facilitated some cooperation between demining personnel on both sides of the line of contact near Shyrokyne, and that progress on demining was achieved November 17 in the Security Working Group. The United States urges the parties to conclude a framework agreement on demining and unexploded ordinance by the end of the month, as the Normandy Format ministers called for in Berlin. In addition, we continue to call on Russia-backed separatists to provide full humanitarian access to separatist-controlled areas for UN agencies, NGOs, and government relief agencies.

Mr. Chair, it is laudable that even as Ukrainian forces came under increasing fire in the east, Ukraine held a second round of local elections on November 15. According to initial reports from international observers, these elections once again largely reflected the will of the people of Ukraine and were yet another important step as Ukraine continues to move forward with difficult reforms to decentralize political authority. We appreciate the government's previously stated intention to follow up on OSCE recommendations on opportunities to improve. We congratulate the people of Ukraine for exercising their right to vote.

Of course, the local elections called for in the Minsk agreements, have yet to be held in certain areas of Donetsk and Luhansk. It is now time for Russia and the separatists it backs to engage meaningfully on Ukraine's proposals for holding genuine local elections in certain areas of Donetsk and Luhansk. These elections must be fully in line with Ukrainian law, international obligations and OSCE commitments. They need to be conducted in an environment that guarantees the free participation of Ukrainian political parties, civil society, and media. Ensuring genuine elections requires a secure environment free from coercion and the threat of violence. ODIHR will require unescorted, unrestricted, and unannounced access for its international observers at all times – as was the case in Ukraine's recently held local elections on other parts of its territory. We recall that at the Normandy meeting, the parties agreed the political working group should address five key elements: IDP and refugee voting, formation of electoral commissions, media freedom, participation of political parties, and the security environment. All of these items are covered in Ukraine's proposal submitted to the working group. Ukraine has also made proposals related to interim amnesty and the need to secure agreement on provisional special status.

No less important is the commitment, under the Minsk Protocol, to the immediate release of all hostages and illegally detained persons. We welcome the recent exchange of four detainees across the line of contact and the agreement in the humanitarian working group to prioritize the release of sick and severely wounded detainees. We underscore once again Russia's responsibility to release the Ukrainian hostages and illegally detained persons it holds, including Nadiya Savchenko, Oleg Sentsov, Oleksander Kolchenko, and all others.

Let us not forget that as the initiators of this conflict, Russia and the separatists it backs have a clear responsibility: they must prove they have given up their military ambitions in Ukraine through complete and uncompromised Minsk implementation. Russia must also end its occupation of Crimea, which remains part of Ukraine and which Russia seized in violation of international law and in contravention of its OSCE commitments.

Thank you, Mr. Chair.